

Request for an Extension of Time

The Applicant requests a three month extension of time under the provisions of 37 CFR 1.136(a), in which to respond to the Office Action. Payment of the appropriate fee in respect of a small entity, is included with this submission.

Remarks:

Claim Status

Claims 3 to 8, 12, 13, 15, 17 and 18 currently stand of record in the present application. All claims currently stand as being rejected, under 35 USC 102 and/or 35 USC 103. The Applicant respectfully traverses these rejections.

However, in order to clarify the nature of the invention, Claim 17 has been amended to indicate that the safety restraint devices of the present invention are to be used in combination with a series of similar safety restraint devices, and each of the safety restraint devices can act to receive any of a series of different accessories. These accessories are also set out in the dependent claims.

Basis for this amendment can be found in the application as originally filed on page 9, line 8, wherein a series of interconnected devices, - all labelled as devices 10 - are shown in Figure 6. As such, this amendment is supported by the application as originally filed, and does not introduce any new subject matter.

A corresponding amendment has been also been made to Claim 12.

In view of this amendment, and the comments provided hereinbelow, the Applicant submits that the rejections of the claims should now be withdrawn.

Rejection Under 35 USC 102

Claim 17 stands rejected under 35 USC 102(b), as being anticipated by US Patent No. 6173809 (hereinafter "Cole"). The Applicant respectfully traverses this rejection.

Cole provides a safety restraint system which is fitted to a horizontal I-beam, and which has a vertical stanchion fitted each base member. The stanchions are provided with two bolt "bores" (24a and 24b) through which a clevis pin (20a and 20b) can be inserted in order to attach

cables to the stanchions. The cable runs to corresponding positions on adjacent stanchions.

Nowhere in the disclosure does Cole mention the use of devices such as winches, radios, platforms, handrails, signs, ladders or the like. Cole does not even mention the possibility of being able to adjust the length of cables between stanchions.

As such, Cole merely provides a single use device, common to the prior art, which can be used to hold one or two custom length cables that have to be cut and fitted to the individual distances between the two or more stanchions.

Cole does mention the possibility of using a different cap, such as a “pass-through” type cap (Col. 5, line 48), but Cole clearly indicates that the cap is to be “firmly secured to the upper terminus of the post” (Col. 3, line 28), and preferably “welded” to the post (Col. 11, line 31). As such, Cole does not provide, and in fact, teaches away from the provision of a removable, interchangeable device, mounted to the device using a second mounting device.

The only mention of providing a replacement cap, by Cole, would therefore require a different cap to be welded onto the post. Clearly changing from one cap to another would not be practical, nor rapid. Cole would therefore likely need to supply at least two different types of stanchions, that must be stored by the user. The device of the present system is, however, easily adapted to receive any one of a variety of devices, and it is exactly the type of adaptability that the Applicant seeks to provide in the device of the present invention.

The Applicant submits that Cole cannot anticipate the present invention because the Cole document is totally silent regarding the possibility of having both an attachment clip to which a cable or rope can be attached, and a separate first mounting system for holding a second removable, interchangeable device, using a second mounting system on the accessory, and adapted to work with the first mounting system.

Cole clearly does not provide this functionality, but merely provides a stanchion to which cables can be clipped.

In practice, this means that the device of the present invention can not only be used to rapidly establish a safety cable restraint system using a cable on a winch, it can also, or later, be used to support ladders, signs, lights, radios, handrails, or the like, without the need to provide an additional base unit for attachment to the I-beam support.

While the Examiner alludes to Cole providing the ability to accept devices such as winches, radio, platforms and the like, in fact, Cole is totally silent as to this capability. Cole merely provides two bore holes to which cables can be attached using clevis pins. Nothing else.

A key feature of the present invention is therefore the adaptability of the system so that a single base unit can be used for a wide variety of applications. None of the prior art documents, including Cole, provide this ability.

As such, since Cole is totally silent as to providing “at least one opening in said base rod acting as a first mounting device, for receiving and releaseably attaching at least one of a variety of accessories to said base rod, wherein said accessories are removable, interchangeable devices which can be added or removed from said first mounting device, and which accessory is attached to said first mounting device” (emphasis added), Cole cannot anticipate the present invention.

Cole only allows the user to attach one or two cables to one of two different types of stanchions depending on which cap is welded to the end of the stanchion. Therefore, Cole must either go to significant lengths to change a cap, or he must have a variety of different types of devices on hand depending on which type of cap is desired.

As such, Cole does not anticipate the present invention.

Moreover, with respect to Claim 17, it will be noted that the claim has now been amended to clarify that each of the safety restraint devices of use in the present invention, is only intended for use in combination with a series of other similar safety restraint devices, wherein each safety restraint device includes the ability to hold cables or any of the other described and claimed accessories.

Cole is totally silent as to this functionality, and is also silent as to the possibility of providing a rapidly changeable mounting device within any or all stanchions. Further Cole is also silent in respect of providing a single type of unit (rather than the two types of stanchions described by Cole), each of which are adaptable to hold a series of different accessories. Again, therefore, the Applicant submits that the Cole device cannot anticipate the present invention,

As such, the rejection of Claim 17 under 35 USC 102(b), as amended herein, should now therefore be withdrawn.

With respect to the rejection of Claim 7, the Examiner comments that Cole provides two releasable mounting devices 18a and 18b. However, these two devices are merely clevises that are only adapted to hold cables. There is nothing to suggest that Cole's device could include anything else other than a clevises used to hold a cable.

With respect to the rejection of Claim 8, the Examiner comments that Coles describes a device wherein "said accessory is a winch assembly, a ladder, a light, a sign, a radio, a handrail 14b, a platform, or a suspended platform". This is incorrect. Cole only describes the use of his device with a cable having a fixed length, and as such, there is no mention of a winch assembly. Additionally, Cole is totally silent as to the use of his device in combination with a ladder, a light, a sign, a radio, a platform or a suspended platform.

As to the use of the Cole device with a "handrail 14b", the Examiner is in error since item "14b" in the Cole description is simply listed as one of two "cables". (See Col. 5, line 30).

However, no where in the Cole document is there any mention of the use of his device with a winch assembly, a ladder, a light, a sign, a radio, a handrail, a platform, or a suspended platform.

Similarly, with respect to Claim 12, since Cole is totally silent as to the use of his device with "a winch assembly, a ladder, a light, a sign, a radio, a handrail, a platform, or a suspended platform", there can be no doubt that Cole does not provide an accessory of the type claimed in Claim 12. Cole simply attaches fixed length cables to his stanchions, and there is no attempt or discussion of the use of his device to hold a winch assembly, a ladder, a light, a sign, a radio, a handrail, a platform, or a suspended platform".

Moreover, it is clear that Cole is also silent as to the ability to add any of these accessories to any of the series of safety restraint devices which are used in the present application.

As such, in view of these comments, the Applicant submits that the rejections of Claims 7, 8 and 12, under 35 USC 102(b) should now also be withdrawn.

Rejection Under 35 USC 103

Claims 3, 4, 5, 6, 13, 15 and 18, all stand rejected under 35 USC 103(a) as being obvious over Cole in view of US Patent No. 6036146 (hereinafter "Paterson"). The Applicant also respectfully traverses this rejection.

In addition to the comments made hereinabove with respect to the Cole device, the Applicant notes that Paterson does describe a safety cable system which can include a winch assembly for feeding out cable as required. However, Paterson uses a specific type of stanchion "20" having a tube "23" for holding the winch assembly. This is the only utility that Paterson describes for tube "23". Nothing else is mentioned as being suitable for being held within tube 23.

As a result, when Paterson wishes to extend the cable from reel 37, he must connect the cable end to a second specific type of stanchion unit, namely end stanchion unit "70". This is after it has optionally passed through a third type of stanchion, namely an intermediate stanchion "50". As such, Paterson would typically require at least three different types of stanchions, and Paterson is totally silent about the possibility of using one common stanchion for a wide variety of applications.

With respect to the rejections of Claims 3 and 4, it is acknowledged that Paterson describes the use of a removable winch assembly, and that a locking device can be included. However, even when combined with Cole, there is nothing to suggest that a wide range of accessories might be used in place of the winch assembly. There is also no mention of a safety restraint device which can hold any one of a number of accessories so that only one type of safety restraint device is required in order to fully utilize the system. In this sense, the Applicant provides a universal anchoring system that can hold any one of a number of accessories, and act in any one of a number of different functions. Neither Cole, nor Paterson, nor any combination of these documents would lead the skilled artisan to the approach taken and described in the present invention.

Further though, it is noted that Claims 3 and 4 are directly or indirectly dependent from allowable Claim 17, and thus, Claims 3 and 4 are therefore allowable.

As to the rejection of Claim 5, the Examiner is in error in stating that Paterson uses a ratch system as a cable locking system. As described at the bottom of Col3, (lines 55 to 65), it is stated that Paterson uses a locking pin to lock the reel in place, once tightened. This is not a ratch system, and as such, this specific objection to Claim 5 is in error.

However, it is acknowledged that ratch systems on winches are known.

Again, though, since Claim 5 is dependent on allowable Claim 17, the Applicant submits that Claim 5 is also allowable.

With respect to the rejection of Claim 6, the Applicant respectfully traverses the rejection. The use of more than one winch assembly on a single safety restraint device, is not even remotely suggested by either Cole or Paterson, and clearly is far more than mere duplication of the essential working parts of the device. In the present claim, a single accessory is used that provides the functionality of three winches. Prior art systems (such as Paterson) merely provide a single winch on a stanchion, and the Applicant's provision of 2 or 3 winch assemblies on a single device (or stanchion) would clearly provide greatly improved flexibility of the overall system. This is far more than mere duplication of the essential working parts, but instead, is a novel approach to providing even more flexibility in the system of the present invention.

The Examiner comments that the number of winches required depends upon the number of base rods in the assembly, but this statement is now not true. The number of winch assemblies might be related to the number of cable systems to be established, but the number of base units required to hold winches, is reduced by the accessory device claimed in Claim 6.

As such, the Applicant submits that the rejection of the claim should now be withdrawn on these arguments alone. However, again, it is noted that Claim 6 is also dependent on allowable Claim 17, and therefore, Claim 6 is also allowable.

As to the rejection of Claims 13, the Applicant acknowledges that Paterson provides a winch assembly having a winch, a static line, and a mounting attachment. For reasons similar to those mentioned above with respect to Claim 12 however, neither Cole nor Paterson describe a system wherein these devices can be incorporated within each of a series of safety restraint devices that make up the system of the present invention.

With respect to the rejection of Claim 15, the Applicant acknowledges that other systems can be added to the frame members prior to installation of the frame members. However, the Cole and Paterson devices are attached to the horizontal members, where they can interfere with movement along the member until it is locked into place. By being applied to the vertical members, the user can move along the horizontal member without interference, while establishing the safety cable restraint system.

In any case though, Claim 15 is dependent on allowable Claim 18 (as follows), and therefore is also allowable.

As to the rejection of Claim 18, it is noted that the claim is dependent on the use of the devices of Claim 17, which devices are patentable. As such, the process of using these devices is also allowable.

Further though, the process of this invention allows the user to merely attach base units to the vertical members. These base units are identical, and at this stage, can be used for any one of a number of possible uses. Only after the base unit has been attached, does the user have to decide on which accessories to use, and where to locate them.

In contrast, the Cole and Paterson systems require the user to plan the arrangement of the various types of stanchions in advance so that the main, intermediate and end stanchions are all correctly positioned, or that the stanchions are correctly positioned for the cable lengths to be used. Moreover, if an error is made, or if the chosen arrangement is to be changed, the Cole and Paterson devices must be removed or moved on the horizontal members so that the proper stanchion, or cable length, can be placed into an appropriate position.

The Applicant's process avoids this necessity.

Accordingly, the Applicant contends that the rejection of Claims 13, 15 and 18 should now also be withdrawn.

Finally, the Applicant comments that the main significant advantage of the system and devices of the present invention is that it allows workers to have increased flexibility and safety during the construction process. The system initially is used as a fall arrest system. However,

once the steel work and flooring is installed, the next sequence of construction is to allow other trades such as electricians, pipefitters etc...to have safe access to the site in order to perform their work. At this time, the cable winch assemblies can be removed, and the base units used as a bracket so that handrails can be easily deployed. This creates a safe perimeter, (temporary handrail) which allows workers to perform their tasks without the need for safety harness' or horizontal lifelines.

Later, the base unit of the present invention can also be used for a wide range of construction related items. Such as for ladders, radios (speaker mounts), light mounts, temporary elevated walkways, temporary elevated platforms or work decks.

The prior art systems do not provide this type of flexibility, and therefore, the waste of custom building safety related items (such as make-shift handrails for example) at construction projects can be drastically reduced with the present system. As such, the Applicant submits that the devices of the present invention are both novel and inventive over the cited prior art.

Summary

The Applicant therefore contends that with this submission, a full and complete response to the Office Action has now been submitted. Further, the Applicant respectfully contends that the present application, as amended, is now allowable, and as such, respectfully solicits a Notice of Allowance at the earliest opportunity.

Respectfully submitted,
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